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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Matthew S. Fellows; and
Theresa L. Fellows;

Plaintiffs,

v.

Grant & Weber Arizona, Inc.;

Defendant.

No.

COMPLAINT

(Jury Trial Demanded)

I. Preliminary Statement

1. Plaintiffs bring this action for damages based upon Defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 *et seq.* Plaintiffs seek recovery of statutory damages, actual damages, costs and attorney's fees.

II. JURISDICTION

2. Jurisdiction of this Court, over this action and the parties herein, arises under 15 U.S.C. § 1692k(d) (FDCPA), and 28 U.S.C. § 1331. Venue lies

1 in the Phoenix Division of the District of Arizona as Plaintiffs' claims
2 arose from acts of the Defendant perpetrated therein.

3 **III. PARTIES**

- 4 3. Plaintiffs reside in Maricopa County, Arizona.
- 5 4. Plaintiffs are natural persons who were obligated to pay a debt which was
6 incurred for personal, family, or household purposes.
- 7 5. Plaintiffs are "consumers" as that term is defined by FDCPA § 1692a(3).
- 8 6. Defendant Grant & Weber Arizona, Inc. is an Arizona corporation.
- 9 7. Grant & Weber is licensed and bonded as a collection agency by the
10 Arizona Department of Financial Affairs, license number 0903319.
- 11 8. Grant & Weber collects or attempts to collect debts owed or asserted to
12 be owed or due another.
- 13 9. Grant & Weber is a "debt collector" as that term is defined by FDCPA §
14 1692a(6).

15 **IV. Factual Allegations**

- 16 10. On or about February 16, 2012, Grant & Weber sent Plaintiff Matthew
17 Fellows a collection letter concerning a debt allegedly owed to Chandler
18 Regional Hospital in the amount of \$416.03. (Copy of letter attached
19 hereto as Exhibit A.)
- 20 11. Exhibit A was the initial letter sent to Matthew from Grant & Weber.
- 21 12. On or about March 15, 2012, Grant & Weber sent a second collection
22 letter to Matthew Fellows concerning a debt allegedly owed to Chandler
23 Regional Hospital in the amount of \$10,143.87. (Copy of letter attached
24 hereto as Exhibit B.)
- 25 13. On or about July 9, 2012, Grant & Weber sent a collection letter

1 addressed for the first time to both Matthew Fellows and Theresa Fellows
2 concerning a debt allegedly owed to “Chandler Region” in the amount of
3 \$8,133.36. (Copy of letter attached hereto as Exhibit C.)

4 14. Exhibit C was the first written correspondence Grant & Weber addressed
5 to Theresa Fellows.

6 15. Exhibit C was the first communication from Grant & Weber to Theresa
7 Fellows concerning the collection of the alleged debt.

8 16. Exhibit C did not contain the verification / validation notice required by
9 15 U.S.C. § 1692g.

10 17. In Exhibit C, Grant & Weber threaten that:

11 Since you have chosen to ignore our requests for
12 payment of this obligation, we *have* referred this
13 matter to our attorney, William Holder, Esq., for
14 whatever action he deems appropriate.

15 Should you wish to avoid intervention by our
16 attorney, we will look forward to discussing this
17 matter with your on or before July 16, 2012.

18 (emphasis added).

19 18. Grant & Weber sent Exhibit C to Plaintiffs intending to threaten them and
20 lead them to believe that legal action was imminent unless the account
21 was paid.

22 19. Upon information and belief, at the time it sent Exhibit C, Grant & Weber
23 had not referred the Chandler Regional Hospital debt to attorney William
24 Holder.

25 20. Upon information and belief, at the time it sent Exhibit C, Grant & Weber
did not have permission from attorney William Holder to use his name in
its correspondence to Plaintiffs in the form of Exhibit C.

- 1 21. Upon information and belief, at the time Grant & Weber sent Exhibit C
2 to Plaintiffs, attorney William Holder did not know that his name was
3 being utilized by Grant & Weber in its letters in the form of Exhibit C.
- 4 22. Upon information and belief, at the time it sent Exhibit C, Grant & Weber
5 did not have permission from Chandler Regional Hospital to take legal
6 action against Plaintiffs.
- 7 23. Upon information and belief, at the time it sent Exhibit C, Grant & Weber
8 did not have permission from Chandler Regional Hospital to threaten to
9 take legal action against Plaintiffs.
- 10 24. Grant & Weber sent Exhibit C to Plaintiffs intending to threaten legal
11 action against Plaintiffs knowing that it did not have authority from
12 Chandler Regional Hospital to refer the account to an attorney for legal
13 action.
- 14 25. On or about July 27, 2012, Grant & Weber sent Plaintiffs another
15 collection letter concerning the Chandler Regional Hospital debt. (Copy
16 of letter attached hereto as Exhibit D.)
- 17 26. Grant & Weber stated in part in Exhibit D that "As long as this account
18 remains unpaid, it is a negative reflection on your credit per our listing of
19 your name with Experian and TransUnion Credit Agency [sic]."
- 20 27. Upon information and belief, at the time Grant & Weber sent Exhibit D
21 to Plaintiffs, it had not reported the Chandler Regional Hospital debt to
22 Experian or Trans Union under Plaintiff Theresa Fellows' name.
- 23 28. On or about September 5, 2012, Grant & Weber sent a request to
24 Chandler Regional Medical Ctr asking "PERMISSION TO REFER THIS
25 MATTER TO OUR ATTORNEY FOR SUIT." (Copy of Request letter is

1 attached hereto as Exhibit E.)

2 29. Chandler Regional Medical Ctr did not endorse Exhibit E granting
3 permission to Grant & Weber to refer this matter to its attorney until
4 October 4, 2012.

5 30. As a result and proximate cause of Defendant's actions, Plaintiffs have
6 suffered actual damages, including, but not limited to, anxiety,
7 embarrassment, humiliation, and other emotional distress.

8 **V. Causes of Action**

9 **a. Fair Debt Collection Practices Act**

10 31. Plaintiffs repeat, reallege, and incorporate by reference the foregoing
11 paragraphs.

12 32. Defendant's violations of the FDCPA include, but are not necessarily
13 limited to, 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(5), 1692e(10), and
14 1692g.

15 33. As a direct result and proximate cause of Defendant's actions in violation
16 of the FDCPA, Plaintiffs have suffered actual damages.

17 **VI. DEMAND FOR JURY TRIAL**

18 Plaintiffs hereby demand a jury trial on all issues so triable.

19 **VII. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiffs request that judgment be entered against
21 Defendant for:

- 22 a) Actual damages under the FDCPA;
23 b) Statutory damages under the FDCPA;
24 c) Costs and reasonable attorney's fees pursuant to the FDCPA; and
25 d) Such other relief as may be just and proper.

1
2 DATED June 13, 2013 .
3

4 s/ Floyd W. Bybee
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Attorney for Plaintiffs